

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CASE NO. 5:23-CV-197-KDB-DCK**

KEITH BALDWIN, JR.,)
)
Plaintiff,)
)
v.)
)
MAIDEN POLICE DEPARTMENT and)
JAMEY FLETCHER,)
)
Defendants.)
)

THIS MATTER IS BEFORE THE COURT on *pro se* Plaintiff's "Motion To Proceed To Discovery Phase" (Document No. 11) filed February 20, 2024. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, the undersigned will deny the motion.

This case has a pending "...Motion To Dismiss" (Document No. 4) that is not yet ripe for disposition. As such, no Case Management Order has been issued that would address discovery requirements and scheduling. In short, Plaintiff's motion is premature.

According to the Local Rules of this Court:

parties may engage in consensual discovery at any time. However, Court-enforceable discovery does not commence until issues have joined and a Scheduling Order has been entered....

LCvR 16.1(f).

IT IS, THEREFORE, ORDERED that *pro se* Plaintiff's "Motion To Proceed To Discovery Phase" (Document No. 11) is **DENIED**.

SO ORDERED.

Signed: February 20, 2024



David C. Keesler
United States Magistrate Judge

